IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 16617 of 2007(C)

PETITIONER:

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1. M.MANOJ BABU, CHANDRODAYAM,
   T.C.48/668, AMBALATHARA,
   THIRUVANANTHAPURAM-26.

2. M.LALITHAMBIKA, CHANDRODAYAM, T.C.48/668
   AMBALATHARA, THIRUVANANTHAPURAM-26.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

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1. THE REVENUE DIVISIONAL OFFICER,
   THIRUVANANTHAPURAM.

2. DIRECTOR OF SURVEY,
   THIRUVANANTHAPURAM.

3. SUPERINTENDENT OF SURVEY,
   THIRUVANANTHAPURAM.

4. ASSISTANT DIRECTOR, RESURVEY OFFICE,
   NEYYATTINKARA.

5. TAHASILDAR, NEYYATTINKARA.

6. VILLAGE OFFICER, VIZHINJAM.

BY ADV. SHRI.M.R.SABU, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 16617/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE SALE DEED DATED 29/03/2006 EXECUTED IN FAVOUR OF THE PETITIONER.

P2 : COPY OF THE SALE DEED DATED 10/05/1993 EXECUTED IN FAVOUR OF THE REBA ZACHARIA.

P3 : COPY OF THE SALE DEED DATED 16/12/1977 EXECUTED BY NARAYANAN NADAR IN FAVOUR OF SOOSA MARIYAN.

P4 : COPY OF THE TAX RECEIPT DATED 30/01/2006 ISSUED BY THE 6TH RESPONDENT.

P5 : COPY OF THE LETTER DATED 25/04/2007 OF THE 3RD RESPONDENT ADDRESSED TOT HE 4TH RESPONDENT.

P6 : COPY OF THE REPRESENTATION DATED 01/06/2007 FILED by the 1ST PETITIONER BEFORE THE 5TH RESPONDENT.

P7 : COPY OF THE NOTICE NO.G6-18687/2007 DATED 06/07/2007 ISSUED BY THE ADDITIONAL TAHSILDAR, NEYYATTINKARA TO THE 1ST APPLICANT.

P8 : COPY OF THE NOTICE NO.G6-18687/2007 DATED 06/07/2007 ISSUED BY THE ADDITIONAL TAHSILDAR, NEYYATTINKARA TO THE 2ND APPLICANT.

P9 : COPY OF THE EXPLANATION FILED by the 1ST PETITIONER BEFORE THE ADDITIONAL TAHSILDAR, NEYYATTINKARA DATED 20/07/2007.

// TRUE COPY //

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO. 16617 OF 2007

DATED THIS THE DAY OF JULY, 2007

JUDGMENT

The petitioners are challenging proceedings under the Kerala Land Conservancy Act as evidenced by Exts.P7 and P8 to which the 1st petitioner has already filed Ext.P9 objections. The petitioners submit that before passing final orders in the matter, the petitioners are sought to be evicted. The petitioners, therefore, seek appropriate reliefs in this writ petition.

2. I have heard the learned Government pleader also. Now that the 1st petitioner has filed Ext.P9 objections to Exts.P7 and P8, it is appropriate that the concerned Tahsildar passes orders after affording an opportunity of being heard to the petitioners, which shall include an opportunity to adduce evidence also. Thereafter, the Tahsildar shall pass a speaking order after considering the objections of the petitioners in the light of the evidence to be adduced by them. Till after 7 days of communication of such orders the petitioners shall not be evicted from the property in question.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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